

## **July 2004 Unified Program Newsletter**

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### **Cal/EPA**

#### **September 30th Deadline for Submittal of FY 03/04 Summary Reports**

We want to remind CUPA managers that the September 30th deadline for submittal of FY 03/04 Summary Reports is fast approaching. The Single Fee Summary Report 2, Inspection Summary Report 3, and Enforcement Summary Report 4 are all due on that date. Data from these reports is used by State and Federal agencies for a variety of purposes including CUPA evaluations. With the planned initiation of a revised evaluation process in early 2005, we anticipate that much more extensive use of this data will help focus the evaluation process and reduce the resource impact on CUPA and state staff. We appreciate the effort that CUPA staff have made in past years to improve the timeliness and accuracy of these reports and look forward to timely receipt again this year. Any questions can be directed to Bridget Binning at (916) 327-9557.

#### **Release of 2002 Toxics Release Inventory (TRI) Data**

Cal/EPA received notice from USEPA regarding the release of 2002 Toxic Release Inventory (TRI) data. The data has been used in the past by members of the public as a general indicator of environmental quality, with success or failure to protect the environment being inferred by the progress made in reducing releases to the environment. <http://www.epa.gov/tri/>

### **State Water Resources Control Board**

#### **NorCal UST-TAG Meeting**

Attached is a flyer for the next meeting that is scheduled for:

Tuesday, July 20, 2004  
10:00am to 3:00pm  
Cooperative Extension, University of California  
Sacramento County  
4145 Branch Center Road, Sacramento

#### **SWRCB 2004 Rulemaking Calendar**

The 2004 rulemaking calendar is available on SWRCB's website.

[http://www.swrcb.ca.gov/water\\_laws/docs/rulemaking\\_calendar2004.doc](http://www.swrcb.ca.gov/water_laws/docs/rulemaking_calendar2004.doc)

## **Department of Toxic Substances Control**

### **DTSC to Provide Training on Hazardous Waste Tracking System (HWTS) to CUPAs**

The Department of Toxic Substances Control (DTSC) tracks information on hazardous waste handlers, transporters, and manifests using the Hazardous Waste Tracking System (HWTS). DTSC will provide a five-hour HWTS training class to CUPAs at the DTSC Berkeley office on September 15, 2004. The training covers searching for facilities and using manifest reports. This information can be used to look for possible mismanagement of hazardous waste to support inspection activities and enforcement actions.

Since 2002, over 160 CUPA inspectors, management, and staff from over 75% of all CUPAs have received training and user accounts. Training is a prerequisite to obtain an HWTS user account. **Please note**, only three staff per agency are allowed to attend the class and subsequently receive user accounts to access the system. **If three staff from your agency already have active user accounts**, you may not take the class/obtain an account, unless you are replacing staff who already have an account, or represent a CUPA satellite office. For more information on enrollment eligibility and registration, please contact Rita Hypnarowski, DTSC Statewide Compliance Division, at [rhypnaro@dtsc.ca.gov](mailto:rhypnaro@dtsc.ca.gov) or (916) 255-3699.

### **New Inflation Factors**

Recently published in the U.S. Department of Commerce Survey of Current Business was the Implicit Price Deflator (IDP) for Gross National Product. The inflation factor is the result of dividing the latest published annual IDP by the IDP of the previous year. The current inflation factor to be used when adjusting closure cost estimates is 1.015%. Applying the inflation factor is a matter of multiplying the closure cost estimate by the inflation factor then adding that number to the closure cost estimate to the adjusted closure cost estimate. Permit by Rule and Conditionally Authorized facilities are required to adjust their closure cost estimates for inflation by March 1st of every year though it can be done earlier. For further information or assistance, please contact Mr. Stephen Binning at [sbinning@dtsc.ca.gov](mailto:sbinning@dtsc.ca.gov) or 916-255-3751.

### **Disposal of Waste Explosives and Fireworks**

The DTSC website now includes a list of the hazardous waste management facilities authorized to accept and treat fireworks and explosives, including items seized by local law enforcement and emergency response agencies. There are no such facilities in California: the facilities are in Missouri, Indiana and Louisiana. [http://www.dtsc.ca.gov/HazardousWaste/hwm\\_list\\_fireworks.pdf](http://www.dtsc.ca.gov/HazardousWaste/hwm_list_fireworks.pdf)

### **Guidance Documents on Mercury Waste Classification and Management**

The following guidance documents have been posted on DTSC's website.

- [Self - Training Manual for Removing Mercury Switches from Major Appliances: A Guide for Appliance Recyclers](#)
- [Self - Training Manual for Removing Mercury Switches from Vehicles: A Guide for Auto Repair Shops](#)
- [Self - Training Manual for Removing Mercury Switches from Vehicles: A Guide for Auto Dismantlers](#)
- [Waste Management Options: for Mercury - Containing Switches in Vehicles and Major Appliances](#)
- [Managing Mercury Switches Found in Major Appliances](#)
- [Managing Mercury Switches Found in Vehicles](#)

### **DTSC 2004 Rulemaking Calendar**

The 2004 rulemaking calendar is available on DTSC's website

[http://www.dtsc.ca.gov/LawsRegulationsPolicies/Oearegs\\_calendar.pdf](http://www.dtsc.ca.gov/LawsRegulationsPolicies/Oearegs_calendar.pdf)

## **Office of Emergency Services**

### **Revision to the California Accidental Release Prevention (CalARP) Program Regulations**

The Governor's Office of Emergency Services (OES) has amended the CalARP Program regulations in the California Code of Regulations, Title 19, Division 2, Chapter 4.5. The amendments were necessary to make the CalARP Program regulations consistent with the Federal Accidental Release Prevention (FedARP) Program's regulation as found in 40 Code of Federal Regulations, Part 68. The regulations address changes made in the January 1, 1999, May 26, 1999, and April 9, 2004 Federal Registers.

These changes were required as a direct result of FedARP Program revisions and were exempt from the California's Administrative Procedures Act (APA), including public hearings and public comment. This APA exemption is in accordance with Health and Safety Code, Chapter 6.95, Article 2, Section 25533.

The CalARP Program regulations and a summary of the changes are available on the OES website at the following URL address:

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPPregs/\\$file/CalARPPregs.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/CalARPPregs/$file/CalARPPregs.pdf)

If you do not have Internet access or have any questions, please contact the OES Hazardous Materials Unit at (916) 845-8741.

## **Enforcement**

### **Sacramento County Environmental Management Department AEO Implementation**

The Sacramento County Environmental Management Department (EMD), as the Certified Unified Program Agency (CUPA) for that jurisdiction, has emerged as a state leader in implementing the new Unified Program Administrative Enforcement Order (AEO) authority. According to Dennis Green, EMD's CUPA Manager, his agency considered 171 cases for enforcement in Fiscal year 2003/2004. From this group, 87 AEOs were issued resulting in 83 settlements. One case resulted in an appeal before a State Administrative Law Judge and three are still pending. According to Dennis, "While this seems like a large number of enforcement actions, facilities and businesses within Sacramento County are achieving a high rate of compliance as this AEO total only represents about 2% of our regulated inventory. After education and inspections, enforcement is the tool of last resort to ensure that a facility operates in compliance with applicable laws and regulations. We strive to have an enforcement program that is progressive, consistent and measured. This approach is reflected in our penalty settlements which range from \$250 to over \$40,000." Dennis is a Cal CUPA Forum Board member and an active participant in the statewide AEO Technical Advisory Group. Dennis and his staff have also provided information and support to several other CUPA's that are beginning to use the administrative enforcement option.

### **California PVC Manufacturer Agrees to Plead Guilty and Pay \$4.3 Million Fine**

WASHINGTON, June 30 /U.S. Newswire/ -- Following are the latest developments from the U.S. Environmental Protection Agency:

Keysor-Century Corporation, a defunct company which manufactured polyvinyl chloride at its facility in Saugus, Calif., agreed on June 17 to plead guilty to a series of felony charges and pay \$4.3 million in criminal and civil penalties for violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act, for committing mail fraud, defrauding the United States and for civil violations of the Emergency Planning and Community Right to Know Act. Specifically, Keysor-Century was charged with knowingly releasing toxic wastewater into the Santa Clara River, illicit emission of air pollutants, falsifying emission reports to state and federal agencies, illegally storing and handling hazardous waste and maintaining its facility in a way that posed a threat of release of hazardous substances into the environment. These substances included vinyl chloride, a flammable gas known to be carcinogenic when inhaled by humans. The case was investigated by the Los Angeles Area Office of EPA's Criminal Investigation Division, the FBI, the South Coast Air Quality Management District, the California Department of Toxic Substances Control, the Los Angeles Regional Water Quality Control Board, the California Occupational Safety and Health Administration, the Los Angeles County Department of Public Works, the Los Angeles County Sanitation District, the City of Santa Clarita and the Los Angeles County Fire Department's Health Hazardous Materials Division with the assistance of EPA's National Enforcement Investigations Center. It is being prosecuted by the U.S. Attorney's Office in Los Angeles. <http://releases.usnewswire.com/GetRelease.asp?id=119-06302004>

**The Unified Program Section is interested in your comments and suggestions regarding the newsletter. Please provide comments and suggestions to Anie Wilson at (916) 327-9559 or [awilson@calepa.ca.gov](mailto:awilson@calepa.ca.gov).**

**[Cal/EPA Unified Program Home Page](#)**

# NorCal UST-TAG Meeting

## INVITATION TO ATTEND:

NorCal UST-TAG Meeting & Inspector Workshop on Tuesday, July 20, 2004, from 10:00am to 3:00pm. To be located at:

Cooperative Extension  
University of California  
Sacramento County  
4145 Branch Center Road  
Sacramento CA 95827-3898  
Phone: (916) 875-6913  
Time: 10:00am to 3:00pm

## Agenda:

1. Workshop (*open session-public welcome*) - 10:00am to 12:00 am – Advanced Fuel Filtration Systems will present on their Continuous Vacuum Monitoring System (LG-113 Listed)
2. Lunch – 12:00pm to 1:00pm (on your own, enjoy!)
3. UST-TAG Meeting (*closed session-regulators only*) – 1:00pm-3:00pm
  - Appoint volunteers for time keeper and the clean-up crew:
  - Introductions: Michelle Le, Chair and 2<sup>nd</sup> Alternate Chair, Linda Collister; and the “UST-TAG Legislative Steering Committee” members, John Elkins, and Tod Hickman. (5 minutes)
  - June Meeting Summary: The TAG Chair will summarize the meeting minutes (5-10 minutes).
  - Attendee Self-Introduction & Issues: During the "Check-In", voice your specific UST technical issues. (*Responses and brief discussions may occur at this time.*) Tod, our secretary will record issues and responses for the minutes (30-45 minutes).
  - Break (10 minutes)
  - Workgroup Reports:
    - a) “Flexible/Plastic Piping” Group
    - b) “Yahoo Issues” Group
  - Organizational Issues: Legislative committee alternate and possible addition of a co-chair. (15 minutes)
  - Technical Issues and open discussion (until 2:50pm)
  - Clean-Up Crew: Table & Chair – room reorganization (until 3:00pm).